



2PW 1615
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PATENT
Attorney Docket 054160-5060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Tsuneji Suzuki *et al.***)
)
Application No. **10/049,666**) Group Art Unit: **1615**
)
Filed: **February 15, 2002**) Examiner: **Gollamudi S. Kishore**
)
For: **Pharmaceutical Agent Comprising a Benzamide**)
 Derivative as Active Agent)

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, **Mail Stop Amendment**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

AMENDMENT AND RESPONSE TRANSMITTAL FORM

1. Transmitted herewith is an Amendment and Response Under 37 C.F.R. § 1.111 in reply to the Non-Final Office dated October 18, 2004.
2. Additional Papers Filed:
(i) Terminal Disclaimer
3. Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicants petition for a one-month extension of time from January 18, 2005 to February 18, 2005, the fee for which is **\$120.00** as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefor. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. § 1.16 and § 1.17, or credit any overpayment to Deposit Account 50-0310.
4. Fee Calculation (37 C.F.R. § 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	14	minus	22	0	\$50 each=	0.00
Independent Claims	2	minus	3	0	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
SUB-TOTAL =						0.00
Reduction by ½ for filing by a small entity						0.00
TOTAL FEE =						\$0.00

5. Fee Payment: The Commissioner is hereby authorized to charge **\$250.00** to Deposit Account No. 50-0310 for payment of the one-month extension of time fee (\$120.00) and the Terminal Disclaimer fee (\$130.00).

02/23/2005 MBEYENE1 00000084 500310 10049666

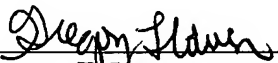
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1-WA/2345387.1

6. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **February 18, 2005**
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AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.111

In response to the non-Final Office Action mailed October 18, 2004, the time for responding to which has been extended through February 18, 2005 by the filing of a petition for a one-month extension of time and authorization for fee payment, Applicants respectfully request reconsideration of the subject application in view of the following amendments and remarks.

Amendments to the Claims being on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.